

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, SEPTEMBER 26, 2000**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Linda Steinman  
Bob Workman

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Mike Thew, Chief Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 19, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated September 19, 2000. Campbell, Heier, Workman and Steinman voted aye. Hudkins was absent from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

(Hudkins entered the Chambers.)

**Approval of 12 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

**The Catholic Bishop of Lincoln  
Christian Heritage Children's Home  
Family Service  
St. Teresa Church**

**MOTION:** Steinman moved and Heier seconded approval of motor vehicle tax exemptions for The Catholic Bishop of Lincoln, Christian Heritage Children's Home, Family Service and St. Teresa Church. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **APPEAL FILED ON PENALTY AGAINST PERSONAL PROPERTY FOR THE FOLLOWING:**

**Waggoner Law Office**

Norm Agena, County Assessor, stated his office received the personal property return from Waggoner Law Office on May 4, 2000 and recommended a ten percent penalty be assessed.

**MOTION:** Steinman moved and Heier seconded to accept the County Assessor's recommendation and assess a ten percent penalty against personal property for Waggoner Law Office. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

5) **ADJOURNMENT**

By direction of the Chair, the Board of Equalization meeting was adjourned.

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Bruce Medcalf  
County Clerk

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Others Present: Kerry Eagan, Chief Administrative Officer  
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Mike Thew, Chief Deputy County Attorney  
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- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 19, 2000. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)**

**MOTION:** Hudkins moved and Steinman seconded approval of the minutes of the Board of Commissioners meeting dated September 19, 2000. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, September 26, 2000.**

**MOTION:** Workman moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

**A. The County-City Volunteer of the Month Award was presented to Chad Madison for his services with the City Libraries.**

3) **SPECIAL PRESENTATIONS CONTINUED:**

**B. An exceptional circumstance award for Scott Richert, an employee with the County Assessor's Office. (M-00-84)**

**MOTION:** Hudkins moved and Steinman seconded approval of a one step increase in pay grade for Scott Richert due to exceptional circumstances. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

**C. The Commissioners Award of Excellence was presented to Mary Gehr, an employee with the Public Defender's Office.**

4) **PUBLIC HEARINGS:**

**An application for a Class M (Bottle Club) liquor license from DLH Inc. doing business as Coaches Sports Bar & Grill, located at 640 West Prospector Court in Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to provide testimony in favor of the application.

The Clerk administered the oath to Peter Katt and K.C. Engdahl, attorneys representing DLH, Inc.

Peter Katt, attorney representing DLH, Inc., appeared and stated that the new application is an opportunity to remove the portion of the premise currently occupied by Cheetah's Lounge from DLH's license.

He stated the action taken by the County Board regarding the new application would be subject to review by the Nebraska Liquor Control Commission.

In response to a question asked by Workman, Katt noted that the three principals are Duane Hartman, Betty Hartman and Matt Diers.

Workman also asked why the empty space between Coaches and the convenience store hadn't been addressed

Katt responded that the empty space was not relevant to the use of the licensed premise.

Workman expressed his concern regarding the ability of the lessee to assign the lease with the consent of the property owner.

4) **PUBLIC HEARINGS CONTINUED:**

Katt pointed out that the lease is the same lease reviewed and approved as a part of the initial license approval granted to DLH approximately four to five years earlier.

Steinman asked what happens to the lease if DLH's new license application is granted and DTR would be unable to obtain a liquor license.

Katt explained that DTR's proposed lease of the space would not take place and that the existing lease with DLH, Inc. would continue.

Campbell asked if the request from DTR for a liquor license had been submitted to the Liquor Control Commission.

Katt responded that the application has been submitted, however, it was placed on pending at the Liquor Control Commission until such time that the middle portion of the building is delicensed.

In response to a question asked by Campbell, Katt stated the application from DLH, Inc. should be treated as a new license.

Steinman asked how an application for a new liquor license could come before the County Board when the previous license still exists.

Katt responded that the Liquor Control Commissioners feel that the new license application is an appropriate procedure and process. He added that there is nothing in existing State Statutes which prohibits filing for a new license while another one is being held.

The Chair asked if anyone wished to testify in opposition of the application.

The Clerk administered the oath to Wayne Giebelhaus.

Wayne Giebelhaus, 4000 Folsom Street, appeared in opposition and stated it was his understanding that there could be only one liquor license per building. He also stated he didn't understand why the County Board didn't follow the advice of the County Attorney's Office and revoke the liquor license.

Steinman stated she was told patrons go from Coaches to Cheetah's because the liquor is expensive at Cheetah's. She asked the Sheriff if there had been any reports of such activity.

The Clerk administered the oath to Terry Wagner.

4) **PUBLIC HEARINGS CONTINUED:**

Terry Wagner, County Sheriff, stated he had no knowledge of such activity.

In response to another question asked by Steinman, Wagner indicated his office has received no complaints regarding increase of traffic on the dirt road across from Cheetah's.

Campbell stated in the Sheriff's letter regarding the new liquor application he indicated he would be unable to make a recommendation due to pending issues.

Wagner stated his office has generated reports which they believe identify violations of the rules of the Nebraska Liquor Control Commission. He indicated those reports were forwarded to the Liquor Control Commission and a hearing has been scheduled for October 19, 2000. Wagner stated until such time that the Liquor Control Commission rules on the potential violations he can't render a recommendation to the County Board regarding approval or disapproval of the application.

Katt stated that Kathleen Sellman, Planning Director, had written a report indicating that the use proposed for the premise is allowed.

He also added that they have been trying to obtain a copy of the Sheriff's report(s) regarding the alleged violations and that DLH, Inc. would comply with all liquor laws related to the operation of the space.

The Chair asked if anyone else wished to testify in favor, opposition or in a neutral position to the application.

No one appeared and the hearing was recessed until Tuesday, October 3, 2000.

5) **OLD BUSINESS:**

**A political subdivision tort claim filed against Lancaster County by Jeffrey B. Lapin on behalf of Rachel Quintana, in the amount of \$500,000.**

**MOTION:** Steinman moved and Heier seconded to defer the tort claim for one week to Tuesday, October 3, 2000 and to notify Jeffrey B. Lapin. Workman, Hudkins, Campbell, Heier and Steinman voted aye. Motion carried.

6) **NEW BUSINESS:**

**A. Grant contracts with the following:**

- **Heartland Big Brothers/Big Sisters, in the amount of \$10,000, for a mentoring program, beginning July 1, 2000 through June 30, 2001. (C-00-464)**
- **Lincoln Medical Education Foundation, in the total amount of \$46,500, for the Family Violence Council (\$31,500) and for the Pathways to Self-Sufficiency through Education program (\$15,000), beginning July 1, 2000 through June 30, 2001. (C-00-467)**
- **Y.W.C.A., in the total amount of \$53,865, for the Parents Center (\$23,625) and the Survival Skills program (\$30,240), beginning July 1, 2000 through June 30, 2001. (C-00-465)**
- **Y.W.C.A., in the amount of \$51,580, for "Try It Another Way", beginning September 1, 2000 through August 31, 2001. (C-00-466)**

**MOTION:** Heier moved and Steinman seconded approval. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

**B. An engineering agreement with Speece-Lewis Inc. for preliminary survey, hydraulic analysis, roadway and bridge design and plan preparation on Saltillo Road at its intersection with Salt Creek; Project BR-3300(2) - Roca Northwest. The crossing is located 352 feet west of the southeast corner of Section 36, Township 9 North, Range 6 East, of the 6<sup>th</sup> P.M., Lancaster County, Nebraska. The County will pay \$16,200. The term of the contract is from the date of execution until February 25, 2001. (C-00-461)**

**MOTION:** Hudkins moved and Steinman seconded approval. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

**C. A contract with the Village of Hallam for law enforcement services within the corporate limits of the Village. The Village of Hallam will pay overtime rates for each hour worked, beginning September 1, 2000 through August 31, 2001. (C-00-462)**

**MOTION:** Hudkins moved and Steinman seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**D. Recommendation from the Purchasing Agent to award a bid and approve a contract with Barnett Construction for joint County/City seasonal requirements for snow removal services for parking facilities and walks. Services will be performed on an as needed basis at the contract price of \$66 per hour for plowing, hauling and blowing of snow and \$55 per hour for sidewalk snow removal and application of ice melting compound. Term of the agreement is for one year with two, one year renewal options with mutual consent. (B-00-36) (C-00-469)**

**MOTION:** Steinman moved and Heier seconded approval.

In response to a question asked by Workman, Kathy Smith, Assistant Purchasing Agent, stated there was only one bid returned, however, 35 notices were sent to vendors.

Workman asked Smith if she felt they would get better responses to the bid if the properties were divided into quadrants.

Smith stated they have tried a number of different things as far as snow removal.

Steinman noted that the hourly rate for sidewalk snow removal should be \$50 per hour.

**MOTION:** Steinman moved and Heier seconded to award a bid to Barnett Construction for snow removal services and approve a contract with Barnett Construction, at a rate of \$66 per hour for plowing, hauling and blowing of snow and \$50 per hour for sidewalk snow removal. Workman, Campbell, Hudkins, Steinman and Heier voted aye. Motion carried.

**E. An agreement for the purchase of real estate from 46<sup>th</sup> Street Partners L.L.C. for a 5,000 square foot office space. The location is between Burlington Credit Union on North 46<sup>th</sup> Street and the Lancaster County Motor Vehicle Facility at 625 North 46<sup>th</sup> Street. The County will pay \$575,000 for the property subject to conditions as outlined in the agreement. (C-00-470)**

Mike Thew, Chief Deputy County Attorney, requested that the agreement be held for one week.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Heier moved and Hudkins seconded to defer an agreement with 46<sup>th</sup> Street Partners L.L.C. for one week to Tuesday, October 3, 2000. Hudkins, Workman, Heier, Campbell and Steinman voted aye. Motion carried.

**F. An amendment to a grant contract with Lincoln Action Program to extend the term of the contract to October 1, 2000. The County will pay an additional \$8,500. (The original contract was executed September 19, 1999). (C-00-463)**

**MOTION:** Steinman moved and Heier seconded approval. Campbell, Heier, Steinman, Workman and Hudkins voted aye. Motion carried.

**G. Recommendation from the Purchasing Agent, after review of documents and bidding procedures, to reject bids received on behalf of the Lancaster County Building Commission for grading, sanitary sewer, water main and paving for the new Juvenile Detention Center. (B-00-35)**

Campbell gave a brief history regarding the item and noted that the County Board requested the item be reviewed by the County Attorney's Office after discussion at the Staff meeting held on Thursday, September 21, 2000.

Mike Thew, Chief Deputy County Attorney, stated there were two problems identified, one being the bidding process. He explained the project is in conjunction with, but separate and apart from, construction of the new Juvenile Detention Center. Thew stated Olsson Associates has the contract to perform the grading, sanitary sewer, water main and paving work and that it is a separate contract from the construction of the Juvenile Detention Center.

He further stated that there is a provision in the contract with Olsson Associates which indicates they (Olsson Associates) would coordinate the bidding process.

Thew stated there was probably not close technical compliance with the County Purchasing Act, but he indicated he didn't think there would be a legal impediment to proceeding with the process. He stated it was his understanding that Olsson Associates complied with all the requirements of the Purchasing Act.

Thew stated that the reference to the Lancaster County Building Commission, rather than Lancaster County, was more a matter of form than substance.

6) **NEW BUSINESS CONTINUED:**

They added that the bidding statutes are for the benefit of the taxpayers and stated there has been no indication from anyone that the taxpayers would benefit in any way from rebidding the item or that they were harmed in any way by the fact that it was bid the way it was.

They recommended that the County Board proceed with the bid.

**MOTION:** Workman moved and Steinman seconded approval to award a bid to Walton Construction, Inc., in the amount of \$139,022.25, in relation to grading, sanitary sewer, water main and paving of Radcliffe Drive at the new Juvenile Detention Center.

They stated the final contract should include all of the Purchasing requirements.

Both the maker of the motion and the seconder agreed to include in the motion the addition that the Purchasing Department include their requirements in the final contract.

Vince Mejer, Purchasing Agent, stated he had indicated in a memo dated September 18, 2000 that the procedure followed was a legal issue and not a purchasing issue.

Kerry Eagan, Chief Administrative Officer, stated that part of the motion should be to direct the Purchasing Agent to prepare the contracts with the low bidder, Walton Construction, for placement on the County Board's agenda.

Both the maker of the motion and the seconder agreed with the addition to the motion.

**ROLL CALL:** Hudkins, Campbell, Steinman, Heier and Workman voted aye.  
Motion carried.

**H. Allowance modification four to Cheever Construction to add a vault for a water meter and necessary valves in accordance with requirements of the City of Lincoln Water Department in connection with the Juvenile Detention Center project. The Contingency/Discover Allowance will be decreased by \$6,758. (M-00-85)**

**MOTION:** Hudkins moved and Workman seconded approval. Campbell, Hudkins, Heier, Workman and Steinman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. Authorization of Wells Fargo Bank, as Trustee, to disburse \$3,575.83 from the juvenile detention center bond proceeds to Sinclair Hille Architects for architectural services and \$369.22 to Olsson Associates for engineering services. (M-00-86)**

**MOTION:** Hudkins moved and Steinman seconded approval. Heier, Campbell, Steinman, Hudkins and Workman voted aye. Motion carried.

- J. A political subdivision tort claim filed against Corrections by Rodney Rodwell, in the amount of \$95, for lost property.**

**MOTION:** Workman moved and Hudkins seconded to accept the Director's recommendation and deny the tort claim filed by Rodney Rodwell. Steinman, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- K. A political subdivision tort claim filed against Corrections by William D. Rogers, in the amount of \$98, for lost property.**

**MOTION:** Steinman moved and Heier seconded to accept the Director's recommendation and approve a tort claim filed by William D. Rogers, in the amount of \$10.40. Workman, Hudkins, Campbell, Steinman and Heier voted aye. Motion carried.

- L. A political subdivision tort claim filed against Lancaster County by Paul Hicks, in the amount of \$1,719.04, for damaged property.**

Sue Eckley, Workers' Compensation & Risk Manager, gave a brief background regarding the claim and recommended that it be denied.

**MOTION:** Steinman moved and Heier seconded to accept the Workers' Compensation & Risk Manager's recommendation and deny the tort claim filed by Paul Hicks. Hudkins, Steinman, Workman, Heier and Campbell voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**M. Selection of natural gas rate plan with Peoples Natural Gas.**

Don Killeen, County Property Manager, discussed the following natural gas rate plans offered by Peoples Natural Gas:

- Flat rate plan
- Fluctuating rate plan with a one to five percent discount
- Temp-A-Sure plan

Killeen recommended that the County proceed with the flat rate plan at a rate of .741 cents per hundred cubic feet.

**MOTION:** Steinman moved and Heier seconded approval of a flat rate plan with Peoples Natural Gas, at a rate of .741 cents per hundred cubic feet. Steinman, Workman, Campbell and Heier voted aye. Hudkins voted no. Motion carried.

**N. Executive Session for Pending Litigation.**

This item was moved to the end of the agenda.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**Receive and Place on File:**

- 1. Lincoln City Libraries Director's Report for August, 2000.**
- 2. Register of Deed's Monthly Report.**
- 3. Sheriff's Report of Fees for August, 2000.**
- 4. Treasurer's Report on 1999 Distress Warrants.**

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items. Heier, Workman, Hudkins, Campbell and Steinman voted aye. Motion carried.

**RETURNING TO NEW BUSINESS ITEM 6N - EXECUTIVE SESSION  
REGARDING PENDING LITIGATION**

**MOTION:** At 3:30 p.m. Steinman moved and Hudkins seconded to enter into Executive Session for the purpose of discussing pending litigation. Campbell, Steinman, Workman, Heier and Hudkins voted aye. Motion carried.

**MOTION:** At 3:45 p.m. Steinman moved and Heier seconded to exit Executive Session. Heier, Workman, Steinman, Campbell and Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** Steinman moved and Workman seconded adjournment of the Board of Commissioners meeting. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

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Bruce Medcalf  
County Clerk